

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

July 20, 2004

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FROM: PATRICK J. MEAD, Interim Director
Department of Public Works - **Transportation**

**SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FOR
VACATION OF THE EXCESS PORTION OF A PUBLIC SERVICE EASEMENT
(DRAINAGE) IN THE BIG RIVER AREA**

RECOMMENDATION:

1. Find the vacation of the excess portion of a Public Service Easement (drainage) in the Big River area is an exempt project under CEQA Class 5, Section 15305(a), and direct the Clerk of the Board to post the Notice of Exemption.
2. Adopt Resolution to vacate the excess portion of a Public Service Easement (drainage).
3. Direct the Clerk of the Board to forward a copy of the Resolution to the County Recorder.

BACKGROUND INFORMATION: This vacation was requested by Wayne and Lesli Willette who are the affected property owners (Assessor's Parcel No. 0662-071-20). The Willette's are planning to construct a new home on their lot. However, a portion of a Public Service Easement for drainage purposes, known as a San Bernardino County Drainage Easement (SBCDE), lies within the Willettes' buildable area. This portion of the SBCDE is a small portion of a larger flat area that is approximately ten (10') feet higher than the actual flow area of the drainage easement and of the Colorado River. This vacation action will facilitate the Willette's needs by allowing for more building space and will still allow for County maintenance crews to access the remaining large flat area in case of an event that would warrant the need for clear and safe access, and working area along the side or edge of the easement, from Rio Vista Drive down to the Colorado River.

The portion of the SBCDE to be vacated is not maintained by the County and lies between Rio Vista Drive (Trail) and the Colorado River, within and along the westerly side of Lot 47, Tract Map No. 8707, MB 165/56-72. The area of the SBCDE to be vacated is the easterly ten feet (10') of the SBCDE that passes through said Lot 47. This portion of the Public Service Easement is not necessary for future or prospective public use. The remaining SBCDE area is 75 feet wide. The area to be vacated is shown in yellow on a plat on file with the Clerk of the Board. As a summary vacation pursuant to Section 8333 of the Streets and Highways Code, no posting, advertising or separate public hearing is necessary. This vacation qualifies for a CEQA exemption because it consists of minor lot line adjustments and set back variances which do not result in the creation of any new parcels

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REVIEW AND APPROVAL BY OTHERS: The Highway Planning Technical Committee reviewed this request on August 27, 2003 and recommended approval. This item was reviewed by Chief Deputy County Counsel Rex A. Hinesley (387-5480) on June 24, 2004, and by the County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on July 7, 2004.

FINANCIAL IMPACT: There will be no financial impact to the Department other than minimal administrative costs to adjust various records and file documents.

SUPERVISORIAL DISTRICT(S): 1st

PRESENTER: Patrick J. Mead, 387-7906

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